



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 5805-99

20 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 25 June 1992 at age 25. The record shows that you served in a satisfactory manner for over three years and were advanced in rate to GSM3 (E-4). On 10 October 1995 you reported aboard the USS HEWITT (DD 966). During the period 6 September 1995 to 24 October 1998 you received eight consecutive marginal or adverse performance evaluations. The evaluations were signed by several different raters, senior raters and reporting seniors. You were released from active duty on 24 October 1998 with your service characterized as honorable. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

In your application you contend that your superiors onboard HEWITT were prejudiced against you because you were a member of a minority group. You point out, in effect, that your good service prior aboard your previous command shows that there was something wrong aboard the HEWITT.

The Board noted that the evaluations were approved by several

different individuals. The Board did not believe that all of these individuals were prejudiced against you and noted that you have submitted no evidence other than your unsupported assertion that such prejudice existed. The Board concluded that eight consecutive marginal or adverse performance evaluations were sufficient to support the assignment of an RE-4 reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director